

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CRIM NO. 2:05cr137-F
)
 GEORGE DAVID SALUM III)

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION PURSUANT TO
F.R.E. 404(b) FOR NOTICE BY THE GOVERNMENT OF ITS INTENTION TO RELY
UPON OTHER CRIMES, WRONGS, ACT AND MISCONDUCT EVIDENCE**

COMES NOW the United States of America, by and through its attorneys, Gregory R. Miller, United States Attorney for the Northern District of Florida, and the undersigned Assistant United States Attorney, and files this response to Defendant's motion for Fed. R. Evid. 404(b) notice (Doc. 41, 42).

On June 2, 2005, well before the Defendant through counsel made the instant demand, (Doc. 41), the undersigned Assistant United States Attorney notified the defense, in writing, that the United States does not intend to tender Fed. R. Evid. 404(b) evidence in its case-in-chief (Doc. 33).

RESPECTFULLY SUBMITTED this 28th day of September, 2005.

GREGORY R. MILLER
United States Attorney

/s/**Dixie A. Morrow**
DIXIE A. MORROW
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION PURSUANT TO F.R.E. 404(B) upon the defendant by electronic filing with and noticing by the Clerk of Court, and by mailing an additional courtesy copy of same to the defendant's counsel of record: Julian L. McPhillips, Jr., McPHILLIPS SHINBAUM LLP, Post Office Box 64, Montgomery, Alabama 36101.

THIS 28th day of September, 2005.

/s/Dixie A. Morrow
DIXIE A. MORROW
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